

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

DEC 22 2021

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

In re: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION,

INDIRECT PURCHASER PLAINTIFFS,

Plaintiff-Appellee,

v.

FRANCIS O. SCARPULLA; LAW
OFFICES OF FRANCIS O.
SCARPULLA,

Objectors-Appellants,

v.

TOSHIBA CORPORATION; et al.,

Defendants-Appellees.

No. 17-15496

D.C. No. 4:07-cv-05944-JST
Northern District of California,
San Francisco

ORDER

In re: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION,

INDIRECT PURCHASER PLAINTIFFS,

Plaintiff-Appellee,

No. 17-15597

D.C. No. 4:07-cv-05944-JST
Northern District of California,
San Francisco

v.

LAW OFFICE OF BRIAN BARRY,

Objector-Appellant,

v.

TOSHIBA AMERICA, INC.; et al.,

Defendants-Appellees.

In re: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION,

INDIRECT PURCHASER PLAINTIFFS,

Plaintiff-Appellee,

COOPER & KIRKHAM, P.C.,

Objector-Appellant,

v.

TOSHIBA CORPORATION; et al.,

Defendants-Appellees.

No. 17-15598

D.C. No. 4:07-cv-05944-JST
Northern District of California,
San Francisco

Before: W. FLETCHER and CLIFTON, Circuit Judges, and KATZMANN,* Judge.

This set of three appeals concerns the district court's order allocating the attorneys' fees awarded to class counsel. The district court subsequently vacated the fee award and reduced the amount of fees awarded in the context of approving a revised settlement agreement. We affirmed the amended settlements. As a result, we conclude that the appeals concerning the allocation of the now-vacated fee award are moot.

Although the district court did not explicitly vacate the allocation order, it approved the amended settlement and vacated the prior fee award on which allocation was predicated. Doing so effectively vacated the allocation order.

Because these appeals seek review of an order no longer in effect, they are moot.

See Shell Offshore Inc. v. Greenpeace, Inc., 815 F.3d 623, 628 (9th Cir. 2016)

("When events change such that the appellate court can no longer grant any effectual relief whatever to the prevailing party, any resulting opinion would be merely advisory. . . . In such a case, the appellate court lacks jurisdiction and must dismiss the appeal.").

* The Honorable Gary S. Katzmann, Judge for the United States Court of International Trade, sitting by designation.

Accordingly, we dismiss the three allocation appeals as moot. A future allocation by the district court may be appealed if and when an appealable order is entered.

We also deny Appellees' pending motions for judicial notice.

DISMISSED AS MOOT.